

840 CMR 11.00: SERVICE AFTER AGE 70

Section

11.01: Notice to Members

11.02: Deductions After Age 70; Election

11.03: Effect on Retirement Benefits

840 CMR 11.00 is the standard rule for service after age 70 promulgated by the Public Employee Retirement Administration Commission pursuant to M.G.L. c. 7, § 50. Except as otherwise provided by the Commission, by supplementary rules of a particular retirement board approved by the Commission pursuant to 840 CMR 14.02, or by statute, 840 CMR 11.00 shall govern the procedures of all retirement boards relating to service after age 70.

11.01: Notice to Members

Not more than 180 nor less than 120 days before the last day of the month in which a member in service attains the age of 70, the retirement board shall estimate the member's option (a), (b) and, if sufficient information is available, (c) retirement benefits as of age 70 and shall notify the member of the estimate and procedures for continuing in service after age 70. The board shall also supply the member with the appropriate form on which to choose whether to continue to have deductions made from regular compensation until the date of retirement as prescribed by 840 CMR 11.02.

11.02: Deductions After Age 70; Election

(1) Any member who chooses to continue in service after age 70 may elect to have deductions made from regular compensation until the date of retirement. The retirement board shall provide the member with the appropriate form on which the member may elect to have deductions made after age 70. This form shall be completed and filed by the member with the retirement board within 15 working days of the board's notice to the member or the member's 70th birthday, whichever is later. If this form is not timely filed, no deductions shall be made after age 70.

(2) An election to have deductions made after age 70 shall be final and deductions shall not thereafter be discontinued for any active member.

11.03: Effect on Retirement Benefits

(1) Except as provided by 840 CMR 11.02, no deductions shall be made from the regular compensation of a member continuing in service after age 70 and the retirement allowance shall be calculated based on average annual rate of regular compensation received prior to age 70.

(2) For members who timely so elect pursuant to 840 CMR 11.02, deductions shall be made from regular compensation until the date of retirement and the retirement allowance shall be calculated based on average annual rate of regular compensation including compensation received after age 70.

(3) No member shall be required to elect a retirement option pursuant to M.G.L. c. 32, § 12 until termination of employment.

(4) If a member dies after age 70 but before termination, the member's spouse shall be entitled, if otherwise eligible pursuant to M.G.L. c. 32, to the benefits that would have been payable if the member had retired on the date of death and elected Option C.

(5) Upon the decision of a member to terminate service, the member may file a retirement application with the retirement board and the retirement allowance shall be calculated pursuant to 840 CMR 15.04.

REGULATORY AUTHORITY

840 CMR 11.00: M.G.L. c. 7, § 50; c. 32, § 21.